

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JEAN CHERY,

Plaintiff,

-against-

COMMUNICATION WORKERS- CWA 1104,

Defendant.
-----X

ORDER

11-CV-0427 (SJD/TB)
FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y

★ AUG 01 2012 ★

LONG ISLAND OFFICE

FEUERSTEIN, District Judge:

By order dated June 5, 2012, *pro se* plaintiff Jean Chery ("plaintiff"): (1) was directed to serve and file an affidavit on or before July 9, 2012 either (a) indicating that the contact information on record with the Court, i.e., 24 Bridle Path, Randolph, MA 02368, (347) 438-2255, remains the correct address and telephone number at which the Court and defendant can contact him during the pendency of this proceeding, or (b) providing the Court with a new address and telephone number at which he can be contacted; and (2) was advised that his failure to comply with that order, or to take any steps to prosecute this action, would result in this action being dismissed with prejudice pursuant to Rules 37(b)(2)(a)(v) and 41(b) of the Federal Rules of Civil Procedure. On June 7, 2012, the Clerk of the Court served notice of entry of the June 5, 2012 Order upon plaintiff by mailing a copy of the Order to him at his last known address pursuant to Rules 5(b)(2)(C) and 77(d)(1) of the Federal Rules of Civil Procedure.

When plaintiff failed to comply with the June 5, 2012 Order, or to take any other steps to prosecute this action, defendant moved to dismiss the complaint with prejudice pursuant to the June 5, 2012 Order. Plaintiff has not opposed the motion. Accordingly, defendant's motion is granted and this action is hereby dismissed with prejudice pursuant to Rules 37(b)(2)(a)(v) and 41(b) of the Federal Rules of Civil Procedure for plaintiff's failure to comply with the June 5,

2012 Order and to prosecute this action. The Clerk of the Court is directed to enter judgment in favor of defendant, to close this case and, in accordance with Rule 77(d)(1) of the Federal Rules of Civil Procedure, to serve notice of entry of this Order upon the parties, including mailing a copy of this Order to plaintiff's address of record and leaving a copy of this Order with the Clerk of the Court pursuant to Rules 5(b)(2)(C) and (D) of the Federal Rules of Civil Procedure, respectively.

SO ORDERED.

s/ Sandra J. Feuerstein

Sandra J. Feuerstein
United States District Judge

Dated: August 1, 2012
Central Islip, New York